IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 8423 OF 2005

The State of Maharashtra ..Applicant.
V/s
Vasant Jayappa Metkari & Ors. ..Respondents.

Mr. Y.S. Shinde, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 13TH APRIL, 2007.

P.C.

. Heard Mr.Y.S. Shinde, learned APP for the State and perused the impugned judgment of the trial Court.

2. The State, by this application, seek leave to prefer an appeal against the order of acquittal passed by 3rd Ad-hoc Additional Sessions Judge, Sangli in Special Criminal Case No.1/2005 for the offence punishable under Section 323, 504 and 506 r/w section 34 of Indian Penal Code and under section 3(1) (x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The prosecution case, in brief, is that the complainant Bharat Waghmare, who is P.W.1, and accused

persons had some dispute about the sharing of water of the common Well situated between their fields. Because of that dispute a meeting was called to sort out and settle the dispute on 3/9/2004 at about 7.30 P.M. The meeting was conveyed by some respectable persons. In that meeting the accused persons allegedly assaulted the complainant and abused him in the name of Caste calling "Mhardya". The complainant belongs to Mahar community, which is a Scheduled Caste. The trial Court noted that in the said meeting there were some respectable persons including Dhananjay Kamble, who is also from Scheduled Caste. But none of the persons, who were present in the meeting were examined as prosecution witnesses. The complainant himself was a local president of Republican Party of India. P.W.3 Ankush is also worker of the same party. He was admittedly, not present in the said meeting but be claims to have come to the spot and seen the incident. The learned trial Court noted that the complainant had not disclosed anything about the incident even to his mother, who was examined as P.W.2. It is further noted that the second incident had allegedly taken place on 4/9/2004 at about 8.30 P.M. After recording the evidence the learned trial Court found that the evidence led by the prosecution was not

reliable. Taking into consideration the circumstances noted above, I do not see any fault in the approach of the trial Court. It is not a fit case, where leave needs to be granted to the State to prefer the appeal.

4. The application stands rejected. Leave refused.

(J.H. BHATIA, J.)